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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,309	12/20/2000	Anthony F. Istvan	20492000610	2675
33318	7590	12/28/2004	EXAMINER	
DIGEO, INC. 8815 122ND NE KIRKLAND, WA 98033			SHELEHEDA, JAMES R	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,309

Applicant(s)

ISTVAN, ANTHONY F.

Examiner

James Sheleheda

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-13, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaughan et al. (Gaughan) (6,097,383) (of record).

As to claim 10, Gaughan discloses a method of viewing multi-media content on a television having a display area (Fig. 1; column 3, lines 54-63), comprising:

providing a remote control (Fig. 1; remote control, 20) having an input mechanism (column 3, lines 55-63);

displaying a first image of a first type on the display area (displaying television video on the display; column 4, lines 51-54), the first image having a first size (wherein the displayed television signal filling the television screen inherently has a size; column 4, lines 51-53) and being overlaid on a second image of a second type (Internet info), so that the second image is not visible to a user viewing the display area (shown in Fig. 10 and 11; wherein in step 214, PIP may be determined to be in an off state. Correspondingly, at step 222 the Internet module may be displayed in the main area as seen at 224. Following,

an instruction may be initiated to place TV video in the main area at 226. With the PIP off, the TV video is now overlaid on the Internet module display making the Internet module "not visible to a user viewing the display area"), the first image with the first size having a first length-to-width ratio (wherein the first image size inherently has a first length-to-width ratio);

initiating a first instruction with the input mechanism (user instruction to place the video in the PIP window; column 4, lines 44-48 and lines 64-67 and column 5, lines 1-2);

reducing the first image with the first size (TV video filling the display) to a second size (television video now displayed in the smaller PIP window; column 4, lines 64-67 and column 6, lines 53-59) in response to the first instruction (user instruction to reduce the television video; column 4, lines 44-48 and lines 64-67 and column 6, lines 57-59), so that the second image is partially displayed on the display area (wherein the main display now contains Internet info; column 4, lines 64-67 and column 6, lines 53-59), the first image with the second size having a second length to width ratio (wherein it inherently has the ratio).

that is substantially the same as the first length-to-width ratio (this second image has a length-to-width ratio **substantially the same** as the first by being on the same display in a reduced format).

While Gaughan discloses displaying a reduced version image in response to initiation of the first instruction on the remote control (column 4, lines 44-48 and lines 64-67 and column 6, lines 57-59) and wherein the first and second

length-to-width ratios are **substantially** the same (this second image has a length-to-width ratio **substantially the same** as the first by being on the same display in a reduced format), he fails to specifically disclose wherein a size of the first image of the first type is defined by a variable b with an initial value b_1 and decreasing the value of b from b_1 to b_2 to reduce the size of the first image and wherein the first and second length-to-width ratios are the same.

The examiner takes official notice that it was notoriously well known in the art to assign variables, such as b , b_1 and b_2 , to represent data, such as the display sizes, for the typical benefits of a means for using simple mathematical equations and models for the sizing of display images.

Additionally, the examiner takes official notice that it was notoriously well known in the art to maintain the length-to-width ratios of an image passing between the main picture area and a PIP window, such as by reducing the image by a set fractional value, for the typical benefit of ensuring that the PIP window is providing the images clearly to the user without stretching or distorting the image.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include wherein a size of the first image of the first type is defined by a variable b with an initial value b_1 and decreasing the value of b from b_1 to b_2 to reduce the size of the first image for the typical benefits of a means for using simple mathematical equations and models for the sizing of display images.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include wherein the first and second length-to-width ratios are the same for the typical benefit of ensuring that the PIP window is providing the images clearly to the user without altering or distorting the image.

As to claim 11, Gaughan discloses

initiating a second instruction using the input mechanism of the remote control (user instruction to turn of PIP; see Gaughan at column 4, lines 44-48 and column 9, lines 34-40);

decreasing the value of b from b_2 to b_3 in response to the second instruction (by indicating PIP size changes using variables as indicated in claim 10 above); and

in response to the decrease in the value of b , reducing the size of the first image being displayed on the display until the first image is no longer visible on the display area (wherein the PIP window is turned off and the first image in the PIP window is reduce until it is no longer visible...only the main window with the second image is now displayed; see Gaughan at column 4, lines 48-50).

As to claim 12, Gaughan discloses initiating a third instruction using the input mechanism of the remote control (user instruction to use full screen mode with the video image; see Gaughan at column 4, lines 44-48 and lines 50-53);

resetting the value of b to b1 in response to the third instruction; and thereafter (by indicating PIP size changes using variables as indicated in claim 10 above),

displaying the first image overlaid on the second image (displaying the video image in main; see Gaughan at column 4, lines 44-48 and lines 50-53 and Fig. 11, steps 222-228) in response to the adjustment of the value of b to b1 (by indicating PIP size changes using variables as indicated in claim 10 above), the first image substantially filling the display area so that the second image is no longer visible on the display area (wherein only the television video is visible to the user; see Gaughan at column 4, lines 44-48 and lines 50-53).

As to claim 13, Gaughan discloses wherein the input mechanism of the remote control is a button (wherein the input mechanism of the remote is made up of buttons; see Gaughan at column 3, lines 61-63).

As to claims 19 and 20, Gaughan fails to specifically disclose wherein the second length-to-width ratios are either 4:3 or 16:9.

The examiner takes official notice that it was notoriously well known in the art at the time of invention to utilize 4:3 and 16:9 for length to width ratios, corresponding to standard and widescreen video, respectively, for the benefits of utilizing well known screen formats with a standardized aspect ratio that is appealing to viewers.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include wherein the second length-to-width ratios are either 4:3 or 16:9 for the benefits of utilizing well known screen formats with a standardized aspect ratio that is appealing to viewers.

3. Claims 1-9, 14-18 and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaughan in view of Canfield et al. (Canfield) (5,031,044).

As to claim 1, Gaughan discloses a method of viewing multi-media content on a television having a display area (Fig. 1; column 3, lines 54-63), comprising:

providing a remote control (Fig. 1; remote control, 20) to control images being displayed on the display area (column 3, lines 55-63);

displaying a first image of a first type on the display area (displaying television video on the display; column 4, lines 51-54), the first image substantially filling the display area (wherein a displayed television signal will **substantially** fill the television screen; column 4, lines 51-53) and having a first length and a first width (wherein the displayed video inherently has a length and a width), the first image having a first length-to-width ratio (wherein the displayed video inherently has a length-to-width ratio);

initiating a first instruction on the remote control to modify the first image being displayed on the display area (initiating an instruction for the television

video to be displayed in the smaller PIP window; column 4, lines 64-67 and column 6, lines 53-59);

displaying on the display area a reduced version of the first image (television video in the PIP window; column 4, lines 64-67 and column 6, lines 53-59) overlaid on a second image of a second type (wherein the main window now contains Internet info; column 4, lines 64-67 and column 6, lines 53-59) in response to the first instruction (user instruction to reduce the television video; column 4, lines 44-48 and lines 64-67 and column 6, lines 57-59), the reduced image of the first image having a second length and a second width (wherein the displayed video inherently has a length and a width), and having a second length-to-width ratio (wherein the displayed video inherently has a length-to-width ratio), wherein the first and second values of the length-to-width ratio being substantially the same (this second image has a length-to-width ratio **substantially the same** as the first by being on the same display in a reduced format).

While Gaughan discloses displaying a reduced version image in response to initiation of the first instruction on the remote control (column 4, lines 44-48 and lines 64-67 and column 6, lines 57-59), he fails to specifically disclose progressively reducing the length and width of the first image while preserving its length-to-width ratio in response to subsequent initiations of the first instruction.

In an analogous art, Canfield discloses a television system providing PIP functionality (column 1, lines 10-24 and lines 33-40) wherein a user (using

remote control Zoom keys; see Fig. 6 and column 1, lines 35-40) can progressively (through repeated indications to alter the inset size; column 3, lines 65-67 and column 4, lines 1-5 and lines 44-49) reduce the length and width of the PIP inset (column 2, lines 8-11, column 3, lines 65-67 and column 4, lines 1-5) while preserving it's length to width ratio (see Figs. 1-4A) for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video (column 1, lines 33-40).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include progressively reducing the length and width of the first image while preserving its length-to-width ratio in response to subsequent initiations of the first instruction, as taught by Canfield, for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video.

As to claim 2, Gaughan and Canfield disclose

filling the display area with the second image of the second type (turning off the PIP to just display Internet info; see Gaughan at column 4, lines 44-50 and Fig. 10, steps 214-216) in response to a second instruction initiated with the remote control (see Gaughan at column 4, lines 44-50 and column 10, lines 64-67 and column 11, lines 1-3); and

displaying on the display area a reduced image of the second image (Internet info in the PIP window) overlaid on the first image (television video in

the main display; column 4, lines 59-64) in response to a third instruction initiated with the remote control (column 4, lines 44-48 and).

As to claims 3 and 4, Gaughan and Canfield disclose the first image being either a video or browser image (wherein the main display and PIP display can interchangeably display television video or an Internet browser; see Gaughan at column 4, lines 59-67, column 5, lines 1-2 and column 9, lines 19-22) and the second image of the second type being a corresponding browser or video image (wherein the main display and PIP display can interchangeably display television video or an Internet browser; see Gaughan at column 4, lines 59-67, column 5, lines 1-2 and column 9, lines 19-22).

As to claim 5, while Gaughan and Canfield discloses a remote control device (such as a trackball remote; see Gaughan at column 3, lines 61-63) being used to input the instructions (such as through an on-screen display; see Gaughan at column 6, lines 53-59), they fail to specifically disclose wherein the remote has a single button to input the instructions.

The examiner takes official notice that it was notoriously well known in the art at the time of invention to utilize a control device with a single button to input instructions, such as a computer mouse wherein a user will "left click" on any of a number of icons to input various instructions, for the typical benefit of providing a convenient, easy-to-use interface for utilizing an on-screen menu.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan and Canfield's system to include a control device with a single button to input instructions for the typical benefit of providing a simple and convenient way to input instructions into a computer system.

As to claim 6, Gaughan discloses a method of viewing multi-media content on a television having a display area (Fig. 1; column 3, lines 54-63), comprising:

providing a remote control (Fig. 1; remote control, 20) having an input mechanism (column 3, lines 55-63);

displaying a first image of a first type on the display area (displaying television video on the display; column 4, lines 51-54), the first image having a first size (wherein the displayed television signal filling the television screen inherently has a size; column 4, lines 51-53) and being overlaid on a second image of a second type (Internet info), so that the second image is not visible to a user viewing the display area (shown in Fig. 10 and 11; wherein in step 214, PIP may be determined to be in an off state. Correspondingly, at step 222 the Internet module may be displayed in the main area as seen at 224. Following, an instruction may be initiated to place TV video in the main area at 226. With the PIP off, the TV video is now overlaid on the Internet module display making the Internet module "not visible to a user viewing the display area"), the first

image with the first size having a first length-to-width ratio (wherein the first image size inherently has a first length-to-width ratio);

initiating a first instruction with the input mechanism (user instruction to place the video in the PIP window; column 4, lines 44-48 and lines 64-67 and column 5, lines 1-2);

reducing the first image with the first size (TV video filling the display) to a second size (television video now displayed in the smaller PIP window; column 4, lines 64-67 and column 6, lines 53-59) in response to the first instruction (user instruction to reduce the television video; column 4, lines 44-48 and lines 64-67 and column 6, lines 57-59), so that the second image is partially displayed on the display area (wherein the main display now contains Internet info; column 4, lines 64-67 and column 6, lines 53-59), the first image with the second size having a second length to width ratio (wherein it inherently has the ratio) that is substantially the same as the first length-to-width ratio (this second image has a length-to-width ratio **substantially the same** as the first by being on the same display in a reduced format).

While Gaughan discloses displaying a reduced version image in response to initiation of the first instruction on the remote control (column 4, lines 44-48 and lines 64-67 and column 6, lines 57-59), he fails to specifically disclose progressively reducing the length and width of the first image while preserving its length-to-width ratio in response to subsequent initiations of the first instruction.

In an analogous art, Canfield discloses a television system providing PIP functionality (column 1, lines 10-24 and lines 33-40) wherein a user (using remote control Zoom keys; see Fig. 6 and column 1, lines 35-40) can progressively (through repeated indications to alter the inset size; column 3, lines 65-67 and column 4, lines 1-5 and lines 44-49) reduce the length and width of the PIP inset (column 2, lines 8-11, column 3, lines 65-67 and column 4, lines 1-5) while preserving it's length to width ratio (see Figs. 1-4A) for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video (column 1, lines 33-40).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include progressively reducing the length and width of the first image while preserving its length-to-width ratio in response to subsequent initiations of the first instruction, as taught by Canfield, for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video.

As to claim 7, Gaughan and Canfield disclose initiating a second instruction using the input mechanism of the remote control (user instruction to turn of PIP; see Gaughan at column 4, lines 44-48 and column 9, lines 34-40); in response to the second instruction, reducing the size of the first image being displayed on the display area until the first image is no longer visible on the display area (wherein the PIP window is turned off and the first image in the PIP

Art Unit: 2614

window is reduce until it is no longer visible...only the main window with the second image is now displayed; see Gaughan at column 4, lines 48-50) and thereafter, increasing the size of the first image being displayed on the display area until the first image substantially fills the display area (a user switching the TV video into the main window; see Gaughan at Fig. 11, steps 226-228 and column 4, lines 50-53).

As to claim 8, Gaughan and Canfield disclose wherein the input mechanism of the remote control is a button (wherein the input mechanism of the remote is made up of buttons; see Gaughan at column 3, lines 61-63).

As to claim 9, Gaughan and Canfield disclose wherein the input mechanism of the remote control has a first button (Zoom In; see Canfield at Fig. 6) and a second button (Zoom Out; see Canfield at Fig. 6), where the first button progressively decreases the size of the first image being displayed on the display area (wherein the user can Zoom Out through up to 80 different sizes to progressively make the inset smaller; column 1, lines 35-40, column 2, lines 8-12 and column 4, lines 44-49), and the second button progressively increases the size of the first image being displayed on the display area (wherein the user can Zoom In through up to 80 different sizes to progressively make the inset larger; column 1, lines 35-40, column 2, lines 8-12 and column 4, lines 44-49).

As to claim 14, while Gaughan discloses increasing and decreasing the image size, he fails to specifically disclose wherein the input mechanism of the remote control has a first button and a second button, where the first button progressively decreases the value of b each time the button is pressed, and the second button progressively increases the size of b each time the second button is pressed.

In analogous art, Canfield discloses wherein the input mechanism of the remote control has a first button (Zoom In; Fig. 6) and a second button (Zoom Out; Fig. 6), where the first button progressively decreases the value of b (for controlling the PIP size as above) each time the button is pressed (wherein the user can Zoom Out through up to 80 different sizes to progressively make the inset smaller; column 1, lines 35-40, column 2, lines 8-12 and column 4, lines 44-49), and the second button progressively increases the size of b (for controlling the PIP size as above) each time the second button is pressed (wherein the user can Zoom In through up to 80 different sizes to progressively make the inset larger; column 1, lines 35-40, column 2, lines 8-12 and column 4, lines 44-49) for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video (column 1, lines 33-40).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include wherein the input mechanism of the remote control has a first button and a second button, where the first button progressively decreases the value of b each time the button is

Art Unit: 2614

pressed, and the second button progressively increases the size of b each time the second button is pressed, as taught by Canfield, for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video.

As to claims 15, 16, 17 and 18, Gaughan and Canfield fail to specifically disclose wherein the second length-to-width ratios are either 4:3 or 16:9.

The examiner takes official notice that it was notoriously well known in the art at the time of invention to utilize 4:3 and 16:9 for length to width ratios, corresponding to standard and widescreen video, respectively, for the benefits of utilizing well known screen formats with a standardized aspect ratio that is appealing to viewers.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan and Canfield's system to include wherein the second length-to-width ratios are either 4:3 or 16:9 for the benefits of utilizing well known screen formats with a standardized aspect ratio that is appealing to viewers.

As to claim 27, while Gaughan discloses displaying a reduced version image in response to initiation of the first instruction on the remote control (column 4, lines 44-48 and lines 64-67 and column 6, lines 57-59), he fails to specifically disclose progressively reducing the size of the first image while

preserving its length-to-width ratio in response to repeated initiations of the first instruction.

In an analogous art, Canfield discloses a television system providing PIP functionality (column 1, lines 10-24 and lines 33-40) wherein a user (using remote control Zoom keys; see Fig. 6 and column 1, lines 35-40) can progressively (through repeated indications to alter the inset size; column 3, lines 65-67 and column 4, lines 1-5 and lines 44-49) reduce the length and width of the PIP inset (column 2, lines 8-11, column 3, lines 65-67 and column 4, lines 1-5) while preserving its length to width ratio (see Figs. 1-4A) for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video (column 1, lines 33-40).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Gaughan's system to include progressively reducing the size of the first image while preserving its length-to-width ratio in response to repeated initiations of the first instruction, as taught by Canfield, for the typical benefit of providing a user with more flexibility and control over the size of the displayed PIP video.

As to claims 21 and 24, Gaughan and Canfield disclose removing the first image from the display area (wherein the PIP window is turned off and the first image in the PIP window is reduce until it is no longer visible... only the main window with the second image is now displayed; see Gaughan at column 4, lines

48-50) after a set number of initiations of the first instruction by the remote control (after the user has chosen to adjust the PIP size a set number of times through repeated indications to alter the inset size; see Canfield at column 3, lines 65-67 and column 4, lines 1-5 and lines 44-49).

As to claims 22, 25 and 28, Gaughan and Canfield disclose restoring the first image to substantially fill the display area (wherein the user can Zoom In through up to 80 different sizes to progressively make the inset larger; see Canfield at column 1, lines 35-40, column 2, lines 8-12 and column 4, lines 44-49) in a closed-loop display cycle (wherein the user could press the buttons to cycle through the various sizes through repeated button presses) after a set number of initiations of the first instruction by the remote control (after the user has chosen to decrease the PIP size a set number of times through repeated indications to alter the inset size; see Canfield at column 3, lines 65-67 and column 4, lines 1-5 and lines 44-49).

As to claims 23, 26 and 29, Gaughan and Canfield disclose progressively enlarging the length and width of the first image while preserving it's length-to-width ratio (wherein the user can Zoom In through up to 80 different sizes to progressively make the inset larger; see Canfield at column 1, lines 35-40, column 2, lines 8-12 and column 4, lines 44-49) in a closed-loop display cycle (wherein the user could press the buttons to cycle through the various sizes

through repeated button presses) after a set number of initiations of the first instruction by the remote control (after the user has chosen to decrease the PIP size a set number of times through repeated indications to alter the inset size; see Canfield at column 3, lines 65-67 and column 4, lines 1-5 and lines 44-49).

Response to Arguments

4. Applicant's arguments with respect to claim 1-29 have been considered but are moot in view of the new ground(s) of rejection.
5. The OFFICIAL NOTICE presented in the prior action stating that it is notoriously well known in the art to use 4:3 and 16:9 for the length to width ratios of the windows was not traversed and is accordingly taken as an admission of the fact noted.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Crump et al. (5,801,785) discloses maintaining the length to width ratio between a video in the main window and a video in the PIP window.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2614

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

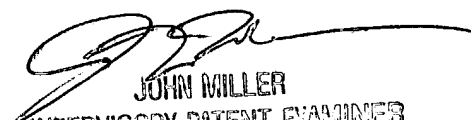
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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